

REMARKS

The Office Action dated January 10, 2005, has been carefully considered. Claims 1, 2, 5, 6, 15, and 17-35 are pending. Applicant appreciates the Examiner's indication that Claims 15, 16, 22 and 27 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Claims 1, 2, 5 and 6 have been amended to include the subject matter of Claim 16. Claim 16 has been cancelled without prejudice or disclaimer of the subject matter contained therein. New Claims 30-35 have been added and include the subject matter as recited in Claims 15, 22 and 27. Claims 3, 4, and 7-14 were previously withdrawn.

Double Patenting:

Claims 1, 2, 5, 6, 17-21, 23-26, 28 and 29 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,000,652.

Claims 1, 2, 5, 6, 17-21, 23-26, 28 and 29 as previously presented have been amended and/or are dependent from a claim which has been amended, such that the claims are patentably distinct from the claims of U.S. Patent No. 6,000,652. For example, Claim 1 as amended includes the subject matter of Claim 16 and recites a dynamic structural dimple panel wherein "the space between the dimples is curved." Applicant respectfully submits that based on the amended claims as set forth above, the double patenting rejection is no longer proper and should be withdrawn.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 2, 23, 24 and 28 were rejected under 35 U.S.C. §102(b) as being anticipated by Seksaria et al. (U.S. Patent No. 5,244,745) or Blacklin et al. (U.S. Patent No. 4,411,121).

Claims 1, 2, 17, 23, 24, and 28 were rejected under 35 U.S.C. §102(b) as being anticipated by Blacklin et al. (U.S. Patent No. 4,411,121).

Claims 1, 2, 5, 6, 23, 24 and 28 were rejected under 35 U.S.C. §102(b) as being anticipated by Jurisich (U.S. Patent No. 3,622,430).

Claims 1, 2, 5, 6, 23-25 and 28 were rejected under U.S.C. §102(b) as being anticipated by Takahashi et al. (U.S. Patent No. 5,156,327).

Claims 1, 2, 23, 24, 26, 28 and 29 were rejected under U.S.C. §102(b) as being anticipated by Gustafsson (U.S. Patent No. 4,028,750).

Claims 1, 2, 5, 6, 17, 23, 24 and 28 were rejected under U.S.C. §102(b) as being anticipated by Babinsky et al. (U.S. Patent No. 5,374,468).

Claims 18, 19 and 21 were rejected under U.S.C. §103(a) as being unpatentable over any of Seksaria et al., Blacklin et al., Takahashi et al., Jurisich or Babinsky et al. in view of either Seksaria (U.S. Patent No. 5,124,191) or Figge (U.S. Patent No. 4,348,442).

Claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over any of Seksaria et al., Blacklin et al., Takahashi et al., Jurisich or Babinsky et al. in view of Varner.

Argument:

Claims 1, 2, 5, 6 and 17-29 have been amended to and/or are dependent from a claim which has been amended and for the reasons set forth below should be allowable.

Claim 1 has been amended to recite that "the space between the dimples is curved" as recited in Claim 16. Accordingly, since none of prior art teaches a curved section between the dimples and further based on the Examiner's indication that Claim 16 would be allowable if rewritten in independent form, Claim 1, should be allowable. Claims 17-21, 23-26, 28 and 29 are dependent from Claim 1, and should also be allowable.

Claim 2 has been amended to recite a dynamic structural dimple panel as recited in amended Claim 1, wherein the dimple layer comprises "a memory material which allows a size of a passage and/or a distance between the reinforcing layer and the dimple layer to be changed when the memory material undergoes a change in temperature." For the reasons set forth above as to Claim 1, Claim 2 should also be allowable.

Claims 15, 22 and 27 have been rewritten in independent form including all of the limitations of the base claim and any intervening claim. Accordingly, these claims should be allowable.

Claim 5 recites a "dimple layer having a plurality of first dimples extending from a first side thereof and a plurality of second dimples extending from a second side thereof" and has been amended to recite that "the space between the dimples is curved."

Claim 6 "dimple layer having a plurality of first dimples extending from a first side thereof and a plurality of second dimples extending from a second side thereof" and has been amended to recite that "the space between the dimples is curved."

For the reasons set forth above as to Claim 1 and 2, Claims 5 and 6 should be allowable.

New Claims 30-35:

New Claims 30-35 recite the dimple structure of Claims 5 and 6 incorporating the subject matter of Claims 15 (wherein the space between the dimples is corrugated), 22 (comprising a second dimple layer having a plurality of dimples extending from one side of said second dimple layer) and 27 (reciting a biasing element located between the dimple layer and the reinforcing layer). For the reasons outlined above, Claims 30-35 should be allowable.

Conclusion:

In the event that there are any questions concerning this response or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,
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